

REMARKS

The Office Action of August 3, 2010, was received and carefully reviewed. Claims 6, 14-16, 18-20, 22-24, 26-28 and 30-32 remain currently pending for consideration in the instant application.

Claim Rejections Under 35 U.S.C. §102

Claims 6, 14-16, 18-20, 22-24, 26-28 and 30-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,403,772 to Zhang et al. (“Zhang”). Applicants traverse this rejection at least for the reasons advanced in detail below.

The following is a quotation of the paragraph of the current provisions of 35 U.S.C. §102(e), under which the Examiner rejects the above claims:

A person shall be entitled to a patent unless –

[...]

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another **filed in the United States before the invention by the applicant for patent**, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language[.]

Emphasis added. Applicants note that under the above-recited provisions of 35 U.S.C. §102(e), Zhang fails to qualify as prior art against the present application. For example, the applicable United States filing date of Zhang is December 3, 1993, which fails to predate the present application’s foreign application priority date of February 2, 1993, for Japanese Patent Application No. 5-48534 (“the JP ‘534 application”). The Verified Translation for the JP ‘534 application was filed on May 29, 2002, perfecting foreign priority in the present application. Thus, the date of invention by the Applicants can be considered, at the very latest, to be the present application’s priority date of February 2, 1993.

Further, Applicants submit that the claimed invention is fully supported by the JP ‘534 application. In the Response to the Office Action, dated May 29, 2009, Applicants stated that support for the then newly added claims 14-32 could be seen at least at page 2, lines 8-11; page 2, lines 27-29; page 3, lines 13-18; and page 4, line 30, to page 15, line 1. *See page 7, third paragraph, of the Response to the Office action filed May 29, 2009.* Applicants note, however, that page 14, line 30, through page 15, line 1 of the originally filed specification (reciting “a crystal of the first crystalline portion is a crystal which grew in a

horizontal direction from the second crystalline portion”) is not expressly in those exact words included in the JP ‘534 application.

Nevertheless, Applicants submit that currently pending claims 14-16 and 18-32, including the feature “a crystal of the first crystalline portion is a crystal which grew in a horizontal direction from the second crystalline portion”, are supported by the JP ‘534 application. For example, the JP ‘534 application recites:

[B]y forming regions containing at least one of nickel, iron, cobalt platinum or palladium so that they adhere on part of the impurity regions, and by annealing the whole the crystallize it starting from the region containing nickel [...]

[A]film or the like containing a simple substance of nickel, iron, cobalt, platinum or their silicides is adhered to the impurity regions of the thin film transistor, and the region and finishes around the middle thereof [...]

[T]he crystal growth advances from both ends of the island-like semiconductor region and finishes around the middle thereof.

See the JP ‘534 application, page 3, lines 22-24; page 4, lines 17-19; and page 7, lines 18-19.

Further, in the Request for Interference dated May 29, 2002, Applicants described the support for the claim language, “a metal advanced lateral crystallization region” in the correspondence table of the Claim Language and Support in Pending Application. While the terms are different, the same arguments can be applied to the claimed features.

Thus, Applicants submit that the rejection of the claims under §102(e) citing Zhang is improper, and is herein overcome by removal of Zhang as a reference.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the instant application. If a conference would be helpful in expediting prosecution of the instant application, the Examiner is invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

NIXON PEABODY, LLP

/Jeffrey L. Costellia, Reg.#35,483/

Jeffrey L. Costellia

Registration No. 35,483

NIXON PEABODY LLP
CUSTOMER NO.: 22204
401 9th Street, N.W., Suite 900
Washington, DC 20004
Tel: 202-585-8000